

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HATTIE MAE TANNER,

Petitioner,

v.

CASE NO. 04-CV-71155-DT
HONORABLE VICTORIA A. ROBERTS

JOAN YUKINS,

Respondent.

**ORDER DENYING A CERTIFICATE OF APPEALABILITY
AND DENYING LEAVE TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

Petitioner has filed a notice of appeal and an application for leave to proceed on appeal *in forma pauperis* concerning the Court's denial of her motion for reconsideration regarding the Court's order denying her motion for relief from judgment. As noted in that order, the Court cannot extend the time for filing an appeal as Petitioner did not move for such an extension and may no longer do so. *See* Fed. R. App. P. 4(a)(5), (6). The United States Court of Appeals for the Sixth Circuit has already dismissed her appeal. Given these circumstances, the Court denies a certificate of appealability and denies Petitioner leave to proceed on appeal *in forma pauperis* as any appeal would be frivolous. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); Fed. R. App. P. 24(a).

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 31, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on October 31, 2007.

s/Caryl A. Pinegar
Deputy Clerk